App. F. IX-4.

1926.

File No. 143-25

Previous references. (courts)

Ab174-21(1-4)

Serial Nos. 1-7

Later references.

PRESERVED

Preserve

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Seven

Part B for September 1926

SUBJECT

Addenda et corrigenda to the Rules under order XXVII civil procedure code in the matter of the service of processes when Govt is a defendant

Govt of Mysore 14-9-26 to the Registrar Chief Court

sanctioned

Manarsmamy Iyengar
29/9/26.

G. R. S. III—1] 1925-1926

GENERAL AND REVENUE SECRETARIAT
Courts

NOTES.

File No. 143-25.

FILE HEADING.

Rules under Order XXVII of the Civil Procedure Code for service of processes.

From			
No.	Dated		Received
Diary No. 9222 of 25	Enclos	Spare Copies.	Serial No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

Notes—First Sheet.

WD 1881—GPB—30,000—1-8-21

General and Revenue Secretariat

[App. F. III—2

File No. 1113 of 1925.

Serial No 1

Extract from G.M². File (Diary No. R. 1642 of 1925

Opinion of the Assistant Secretary Protn. Branch.

" The summons addressed to the P.W.Secy. may be returned as sated by the Chief Secretary. Under Order V Rule 27 of the Code of Civil Procedure there is no provision for a summons addressed to an officer being sent to the Head of the Department The present case is not of that category and the Chief Secretary is under no obligation to get it served.

2) There is some difficulty as regards the summons addressed to the Dewan. When the Code of Civil Procedure was amended after the grant of right of suit against government, necessary rules were not incorporated in Order XXVII to provide for the service of processes etc., when Govt. was a defendant. The changes effected in Sections 79 & 80 of the Code provide only for service of notice of suits but not for other processes - such as summones. The necessary rules are to be framed by the Rule Committee and this was pointed out at the time. As specific rules are wanting, the summons may be accepted by the Chief Secretary as has been the practice, though the Dewan is mentioned in summons as representing Government. This is perhaps the first case in which the Dewan is mentioned and we cannot object as there are no specific rules on the point. The Chief Secretary may sign the original summons and return the same to Court.

Ind. C.A.G
27-10-1925.

Note—Contn. Sheet

Serial No

3) Chief Secretary's Orders.

" Superintendent, Confidential section

Pleas take necessary action accordingly and send a memo about issue of rules regarding service of ~~xxxxxxxx~~ other processes

Id P.G.D

29-10-1925.

X X

4) Draft sending the plaints to the Public Prosecutor and asking him to appear in the case and take an adjournment for filing defence may be put up as also a ~~xfxx~~ draft requesting the Rule Committeex to propose the necessary rules under Order XXVII.

Ind. C.A.G.
6-11-1925.

5) Draft to the~~x~~Public Prosecutor has issued from the Revenue Branch. Submitted with a draft to the Registrar, Chief Court re the framing of rule by the Rule Committee. For Consideration

28/11/25 28/11 Ld Secy 28/11

6) Draft may be approved

1st Secy

30/11 30/11

2/12 2/12 7) Issued 2/12

Note Regr Chief Court
No P 2818 dy 7-12-25
Requesting that necessary rules to

Note—Contn. Sheet

Serial No

provide for the service of processes when govt is a defendant maybe framed in consultation with the Rule Committee and forward for their approval of govt.

Jus 25/1

1926 9/12

No reference has been received. Perhaps it is too early to get any. The stage may perhaps be ascertained when I will be a sort of reminder And with a draft for orders We may perhaps wait till the end of this month, before issuing a reminder

21/1/26 for 7/1

Jus 8/1 9

Returned with the draft already sent up. May the Reminder issue?

25/1/26 for 25/1

10/ Issue

Issued 8653 29/1/26 29/1-26

Jus A 27/1

From

The Registrar High Court. Letter no Rule 2(12)/26 3/26

States that the Rule Committee have now furnished their opinion and the draft Rules have been published in the gazette calling for objections and the rules will be forwarded to govt after considering the objections if any.

11 Send for perusal. The receipt of rules maybe awaited for a month more and then reminders issued if necessary

28/3/26 for 24/3

12) 8/4 28/4

Note—Contn. Sheet

3901

WD 01264—GPB—40,000—17-12-25
App. F. III—2]

(5)

General and Revenue Secretariat

GS File No. 143 of 1925-26

Serial No. 2

From

The Regr. Whly Const.

Letter no Roc 712 d 31-3-26

Forwards for sanction the accompanying amendments to order XXVII C.P.C framing rules for service of processes when Govt is a defendant

13) The draft rules have been published and no objections have been received. As it is an addendum to the Civil Procedure code both the Residency rules have to be informed. If the Rules are approved, a draft to the Residency will be sent and after acknowledgment from the Residency, a formal order approving the rules may perhaps issue. A draft to the Residency sent

14) The draft rules are for consideration before the Residency is addressed.

B/
6/4/26
Arm 6/4

15) These rules as they are correspond to the rules in O 27 of the Br. Indian Code, except that the words or the recognised agent of the Govt are used after the words "Govt" pleader wherever they occur. These words are not found in the Br. Indian Code.

16) There is no rule amending the heading of O 27 as the heading of Part IV has done in the Code (vide N:A). So a rule may be inserted thus: ✠

17) For the heading of order XXVII

NOTE—Contn. Sheet

Serial No

The following heading Subs shall be substituted

A "Suits by or against the Government or Public officers in their official capacity"

The draft Rules have to be sent to

Residency Agency Subs

(B) Put up rules in force in Br India & Please bring this

8-4 13.4.

12/4

The Legl)

19 The rules framed are in Conformity with the rules in force in Br India with slight modifn. These rules are in order & may be appd.

But the heading of O. 27. should be changed as in Br Indian Code.

(A) has to be substituted in view of the proposed rules being adopted.

20 As the Govt have no power to make this alteration, the attention of the Chief Courts may be drawn to this omission & asked what they propose to do with the heading.

(A)

1st Mr

8-4 14.4

409/14.4

4 copies Vide Page ante

21.4.

21) (A)

21/4

8-4

22/4.

NOTE—Contn. Sheet

C.D.No. 91 P 25 — 390/4821 — WD 01264—GPB—40,000—17-12-25

[App. F. III—2

General and Revenue Secretariat

25 File No. 143 of 1925-26

Serial No	
	Send with a draft
	24/4/26 After 24/4 — 23/June — 25/4
3	To The Registrar Chief Court No P 5551 ... D: 28-4-26 States that the heading of the order XXVII requires amendment and no rule amending the same has been framed & requests to intimate what the Chief Court propose to do with the heading
	From The Registrar Chief Court Roc 712/25-26 D/14-6-26. States that in view of the alterations in the rules which have already been sent up to Govt for sanction, the heading also requires to be amended, that the heading under the British Indian Civil procedure Code is "Suits by or against Govt or Public officers in their official Capacity" which may be well adopted & that the proposed amendment in regard to the heading is being circulated among the members of the Rule Committee & a recommendation will be sent up to Govt shortly for perusal.
24	Recommendation of the Rule Committee may be awaited & papers put up. 25/

Dy A 3/5

25 24/6

18/6 18/6

NOTE—Contn. Sheet

1123

WD 01264—GPB—40,000—17-12-25

[App. F. III—2

General and Revenue Secretariat

es File No. 143 of 192 5-26

Serial No

From

The Regr. Khiva Conv.

Letter no Roc 7/29 28-8-26

Notes that the draft Rules for the service of the processes when govt. is a defendant and the amendment to the heading of order XXVII were approved by the Rule committee and published with the papers and that no objections or suggestions were received and requests sanction for the Rules and the amendment.

Sir

If no of the proposed amendments are approved the Residency would have to be informed of the same being an addendum to the civil procedure code. After the acknowledgment from the Residency the amendments may be formally sanctioned and brought into force. Draft with drafts to Residency for may be appd.

L+L Secy

6/9/26

Apt 7/9

cacj 7-9

30 Rules framed may be appd

31 Draft letter to the Residency may be appd

Secy

7-9

27 yes: Necessary precedents for such a course may be perused before submission.

cacj 7-9

25

29 7/9

Sent with ch/s file 174-21

Rs 1 to 4. Flag Y

28/2

8/9

Issue

cacj 9-7

To

The Secy to the Resident

No Roc 254 D 10-9-26

With a copy of addenda et corrigenda to

NOTE—Contn. Sheet

1375

WD 01264—GPB—40,000—17-12-25

App. F. III—2]

General and Revenue Secretariat

US File No. 143 of 192 5-26

Serial No.	
	Rules under Order XXVII C.P.C and States that the said rules will come into force from 1st Oct 1926.
6	From The Secy to the Resident Letter no P.O.(G) 1/40-(20.1) dt 17-9-26 Acknowledges the receipt of Amendments to order XXVII of the Civil Procedure code framing rules for service of process when Govt is a defendant Encl with a draft sanction giving the amendments may be appd - (Para 3) 18/9/26 Secy app 18/9
7	To The Registrar Chief Court P.O.P 1450 dt 24-9-26 Sanction to amendments to order XXVII C.P.C which will come into force from 1-10-26.

Sec B1 Will 1-10-26

By order

NOTE—Contn. Sheet

APP. F. VI. Gl.]

SUBJECT.....

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Section 4b

File No. 143-25

Seria No. 1

Diary No. of letter replied to.....

No. 12818

General and Revenue Secretariat

( )

the *192*

To

The Registrar, Chief Court

Sir,

Date of issue 7/12/25

Signed by W. Clerk

I am directed to state that after the grant of right of suit against Government necessary changes were effected in sections 79 & 80 of the Civil Procedure Code by Regulation VIII of 1923 providing for service of notices of suits. No corresponding rules have yet been incorporated in Order XXVII to provide for the service of processes when Government is a defendant. I am to request that necessary rules may be framed in consultation with the Rule Committee and forwarded for the appeoval of Govt.

I have etc,,

List of enclosures.....

Copied by.....

Examined by.....

over

WD 0562—GPB—31,000—17-8-25

18/11 For L & L Secy.

28/11/25

0977

Telgm: "JUSTICE"

CHIEF COURT OF MYSORE,
Public Office Buildings, Cubbon Park,

Bangalore..31st..March.....1926

R. O. C. No. 712 / 25-26 Genl

Ab 143-25-2

A. Sreenivasaragavachari, Esq., B.A., B.L.,
Registrar, Chief Court of Mysore.

B. Nagappa, Esq., Bar-at-Law,
Secretary to Government,
Local & Legislative Departments,
B a n g a l o r e.

Sir,

In continuation of my letter R.O.C. No.712 of 25-26, dated the 20th March 1926, in the matter of framing necessary rules for service of processes when Government is a defendant, for being incorporated in O.XXVII of the C.P.C. referred to in your letter No.P.2818 Cts.143-25-1 dated the 7th December 1925, I am directed to state that the draft of the rules framed and approved by the Rule Committee was published in the issue of the Mysore Gazette dated the 11th March 1926, but no objections or suggestions have been received from any person.

I am to request that Government may therefore be pleased to accord their sanction, under Section 126, Civil Procedure Code, to the accompanying amendments to Order XXVII, Civil Procedure Code 1911.

I have the honour to be,
Sir,
Your most obedient servant,

MRN.
For Registrar.

MRN.

Draft amendments.

In rule 1 O.XXVII C.P.C.(1911), add the words "or against" after the words "in any suit by", and the words "or written statement" after the words "the plaint".

In rule 3, add the words "or against" after the word "by" and the words "or defendant" after the word "Plaintiff".

Add the following ~~xx~~ rules after rule 3:-

"4. The Chief Secretary to Government or such other person as the Government may for any Court appoint in this behalf, shall be the agent of the Government for the purpose of receiving processes against the Government issued by such Court".

"5. The Court in fixing the day for the Government to answer to the plaint shall allow a reasonable time for the necessary communication with the Government through the proper channel and for the issue of instructions to the Government Pleader or the recognized agent of the Government to appear and answer on behalf of Government and may extend the time at its discretion".

"6. The Court may also, in any case in which the Government Pleader or the Recognized agent of the Government is not accompanied by any person on the part of the Government who may be able to answer any material questions relating to the suit, direct the attendance of such/a person"

In Rule 8 (1) and (2) add the words "or the recognized agent of the Government" after the words "the Government Pleader".

M Vinayagam
For Registrar.

MRN.

APP. F. VI. Gl.]

SUBJECT.....

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Section C/5

File No. 143-25

Seria No. 3

Diary No. of letter replied to.....

No. 5551

To The Registrar Civil Court

Sir

General and Revenue Secretariat

( )

the *192*

Date of issue 29/4/26

Signed by

With reference to the correspondence ending with your letter no 1062 712 & 30.3.26 forwarding the draft rules for service of processes when first is a defendant under order XXVII of the Civil Procedure Code. I am directed to observe that the heading of order XXVII also requires amendment and no rule amending the same has been framed ~~a rule~~

~~Rules by Civil by or against the first or Public officers in their official Capacity, seems necessary~~

I am to request you to kindly inform

List of enclosures.....

Copied by.....

Examined by.....

over

1123/P/826

11508

CHIEF COURT OF MYSORE

Telegraphic Address. "JUSTICE"

Bangalore, dated 28th August 1926.

No. Roc 712/25-26. Renewal CS/143-25-4

REV. SECTT. 31. AUG. 1926 G. D. SECTION.

A. SREENIVASARAGAVACHARI, Esq., B.,A., B.L.,
Registrar, Chief Court of Mysore.

To

B. NAGAPPA, Esq., Bar-at-Law,
Secretary to the Government of Mysore,
Local and Legislative Departments, BANGALORE.

Sir,

In continuation of my letter No.R.O.C.712 of 1925-26, dated the 10th August 1926, in the matter of incorporating certain rules in Order XXVII, Civil Procedure Code for the service of processes when Government is a defendant, referred to in your letters Nos.P.2818/Cts. 143-25-1 dated the 7th December 1925 and P.5551/Cts. 143-25-3 dated the 29th April 1926, I am directed to state that the drafts of the rules framed and approved by the Rule Committee were published in the Mysore Gazette dated the 11th March 1926 and 29th July 1926, but no objections or suggestions have been received from any person.

I am to request that Government may therefore be plased to accord their sanction, under Section 126, Code of Civil Procedure 1911 to the accompanying amendment to Order XXVII, Civil Procedure Code.

I have the honour to be,
Sir,
Your most obedient servant,

NVVenkatasubbaiah
for REGISTRAR.

pnk.

DRAFT AMENDMENTS.

In Order XXVII, Civil Procedure Code,

(1) Substitute the following for the heading:-

"Suits by or against the Government or public officers in their official capacity"

(2) In rule 1, add the words "or against" after the words "in any suit by", and the words "or written statement" after the words "the plaint"

(3) In rule 3, add the words "or against" after the word "by", and the words "or defendant" after the word "plaintiff".

(4) Add the following rules after rule 3:-

"4. The Chief Secretary to Government or such other person as the Government may for any court appoint in this behalf shall be the agent of the Government for the purpose of receiving processes against the Government issued by such Court".

"5. The court in fixing the day for the Government to answer to the plaint shall allow a reasonable time for the necessary communication with the Government through the proper channel and for the issue of instructions to the Government Pleader or the recognised ~~against~~ agent of the Government to appear and answer on behalf of Government and may extend the time at its discretion"

"6. The court may also, in any case in which the Government pleader or the recognised agent of the Government is not accompanied by any person on the part of the Government who may be able to answer any material questions relating to the suit. direct the attendance of such person."

(5) In rule 8(1) and (2) add the words "or the recognised agent of the Government" after the words "the Government Pleader".

M Wijewardene
for REGISTRAR.

pnk.

APP. F. VI. Gl.]

SUBJECT.....

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Section C/S

File No. 143-25

Serial No. 5

No. Pol. 254 Secret

To

The Secretary to the Resident

Sir

I am directed to forward herewith the accompanying addenda et corrigenda to the Rules under order XXVII Civil Procedure Code in the matter of the service of processes when Govt. is a defendant and to state that the said Rules will come into force from 1st October 1926

I have etc

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the 192

Date of issue 10/9/26

Signed by W. B. N.

Copy of to approved

List of enclosures.....

Copied by.....

Examined by.....

cag 8/9 Asst Secy

8/9/26 Asst 7/9

over

13432

1375
In P&A

All communications should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

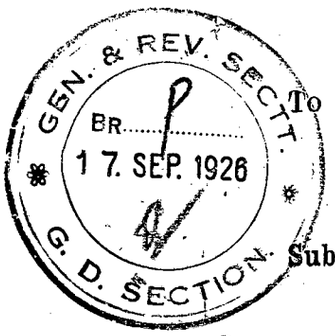
No. 8041 ENCLOS. *Dated Bangalore,* 17 Septr. *1926.*
40-1901.

Pol 335

FROM

Major K.A.G. Evans Gordon,
SECRETARY TO THE RESIDENT IN MYSORE.

Cts 143-25-6



To

The Secretary to the Government of Mysore
Local and Legislative Departments.

Subject :—

The Mysore Code of Civil
Procedure, 1911.

SIR,

Cts 1809

I am directed to acknowledge the receipt of your letter No. Pol.254/Cts.143-25, dated the 10th September 1926, forwarding the Addenda et Corrigenda to the Rules under Order XXVII of the Civil Procedure Code which the Mysore Government propose to bring into force.

I have the honour to be,
Sir,
Your most obedient servant,

K.A.G. Evans-Gordon

Major,
SECRETARY TO THE RESIDENT.

G.R.S. VI G 34]

SUBJECT.....

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Diary No. of letter replied to.....

Section C6
File No. 143-25
Serial No. 7

General and Revenue Secretariat

( )

, *the* 192

Proceedings of the Government of His Highness the Maharaja of Mysore

Date of issue.... 24/9/26

Signed by.....

Read—

Correspondence ending with letter no Roc 7(2)/25-26 dt 28-8-26 from the Registrar, High Court requesting sanction to the accompanying rules for service of processes when-first is a defendant for being incorporated in Order XXVII Civil Procedure Code

Order Thereon No. G 1450 (1)

Sanction is accorded to the accompanying amendments to Order XXVII Civil Procedure code. They will come into force from 1st October 1926.

May this be

i Printed ?

ii treated as a standing order ?

iii published in the Gazette, English Part ?

iv translated ?

v placed at the disposal of the press ?

vi published in the Gazette, Kannada Part ?

Cag 18/9

To
The Registrar, High Court under cover